

United States District Court

For the Northern District of California

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6 GIL CROSTHWAITE, RUSS BURNS, in
7 their respective capacities as Trustees of the
8 OPERATING ENGINEERS HEALTH AND
9 WELFARE TRUST FUND FOR NORTHERN
10 CALIFORNIA, PENSION TRUST FUND
11 FOR OPERATING ENGINEERS,
12 PENSIONED OPERATING ENGINEERS
13 HEALTH AND WELFARE FUND,
14 OPERATING ENGINEERS AND
15 PARTICIPATING EMPLOYERS
16 PRE-APPRENTICESHIP, APPRENTICE
17 AND JOURNEYMEN AFFIRMATIVE
18 ACTION RAINING FUND, OPERATING
19 ENGINEERS VACATION AND HOLIDAY
20 PLAN, OPERATING ENGINEERS
21 CONTRACT ADMINISTRATION TRUST
FUND, OPERATING ENGINEERS
MARKET PRESERVATION TRUST FUND,
OPERATING ENGINEERS INDUSTRY
STABILIZATION TRUST FUND,
BUSINESS DEVELOPMENT TRUST
FUND, AND HEAVY AND HIGHWAY
COMMITTEE,

No. C 07-05192 WHA

**ORDER RE REQUEST FOR
ENTRY OF JUDGMENT
PURSUANT TO SETTLEMENT
AGREEMENT AND FOR WRIT
OF EXECUTION**

22 Plaintiffs,

23 v.

24 DALECON INC., a California Corporation,
25 and RONALD HENRY STICKNEY, an
individual,

26 Defendants.

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28 Plaintiffs' counsel filed a request for entry of judgment pursuant to the settlement
agreement and a request for a writ of execution. Paragraph 6 of the settlement agreement filed

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1 by plaintiffs states that, in the event of default, if defendants fail to cure the default within ten
2 days of the provision of notice thereof to defendants (and counsel), plaintiffs shall file the
3 agreement with the Court for the purpose of having judgment entered in their favor, and a writ
4 of execution may be obtained without further notice.

5 Plaintiffs' counsel indicates that defendants failed to make payments due under the
6 settlement agreement; that plaintiffs sent notice to defense counsel of the default, as required by
7 the agreement, and the default was not cured within ten days as required; and that, under the
8 agreement, plaintiffs are therefore entitled to judgment in their favor for the balance due (in
9 addition to costs, fees and interest) and a writ of execution. Defendants are **ORDERED** to
10 respond by **MONDAY, MARCH 2, 2009**, and show cause why judgment should not be entered in
11 plaintiff's favor and a writ of execution should not issue in the manner described by plaintiff's
12 request and declaration. If defendants fail to respond by this deadline, the Court will enter
13 judgment and issue a writ of execution pursuant to the settlement agreement filed by plaintiffs.
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15 **IT IS SO ORDERED.**

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17 Dated: February 24, 2009.

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Wm Alsup
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE